

1 **3.8 HAZARDS AND HAZARDOUS MATERIALS**

HAZARDS AND HAZARDOUS MATERIALS – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.8.1 Environmental Setting**

3 The Project area is located 2 miles east-northeast of Niland, Imperial County, in the
4 central basin of the Colorado Desert. Niland is a small community on the southeast side
5 of the Salton Sea, approximately 80 miles southeast of Palm Springs and 19 miles north
6 of Brawley. During World War II, the Project area was part of Camp Dunlap, a USMC
7 base activated in 1942 and deactivated in 1945 (see Section 2.3.1, Camp Dunlap). This
8 area is a Formerly Used Defense Site (FUDS), part of a Military Munitions Response

Program, with a history of military munitions, and the potential exists for encountering unexploded ordinance (UXO) in the area. When the land containing Camp Dunlap was quitclaimed back to the State of California, only the concrete slab foundations from the former buildings remained (Anglin 1997). After the base was decommissioned and dismantled, several reports documented the presence of UXO on site. The removal of UXO from adjacent military exercise, training and gunnery ranges by local individuals, and related injuries or fatalities, has been problematic (Anglin 1997). The USACE and DTSC continue to monitor hazardous activities on the former military camp site.

Hazardous Waste and Substances Statement: The Project involves lands (Assessor's Parcel Number 003-240-005) on a list enumerated under Government Code section 65962.5 ("Cortese List"); listed pursuant to section 25356 of the Health and Safety Code; Regulatory identification number: 401714; date of list: 6/23/2014. (Pub. Resources Code, § 21092.6, subd. (a).)

Prior to conducting biological and cultural surveys for this IS, UXO Technician III David Williams (USMC, LTC. Ret.) of Engineering/Remediation Resources Group (ERRG), under contract to the CSLC, performed a visual UXO sweep at the 30-acre East Jesus site and the 160-acre Salvation Mountain site on August 17 through August 19, 2015. The visual field survey within the 30-acre East Jesus parcel identified one MK 76 practice bomb, two inert training smoke grenades, two MK 76 practice bomb fins, and numerous small arms brass. These items were left in place because they did not pose an explosive hazard and were incorporated into artwork. The visual field survey within the 160-acre Salvation Mountain parcel did not reveal any hazardous ammunitions or explosives. Additional information on the UXO survey is contained in Appendix A, Environmental, Cultural, and Other Clearance Surveys.

The proposed purchasers of the School Lands parcels plan to continue the existing uses (current baseline conditions) associated with the respective parcels. The Project does not include any construction or ground-disturbing activities. Any other future uses and potential impacts are too speculative for evaluation.

3.8.2 Regulatory Setting

Federal and State laws and regulations pertaining to this issue area and relevant to the Project are identified in Table 3.8-1.

Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials)

U.S.	Clean Water Act (CWA) (33 USC 1251 et seq.)	The CWA is comprehensive legislation (it generally includes reference to the Federal Water Pollution Control Act of 1972, its supplementation by the CWA of 1977, and amendments in 1981, 1987, and 1993) that seeks to protect the nation's water from pollution by setting water quality standards for surface water and by limiting the discharge of effluents into waters of the U.S. (see below and in Section 3.9, Hydrology and Water Quality).
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Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials)

U.S.	California Toxics Rule (40 CFR 131)	In 2000, the USEPA promulgated numeric water quality criteria for priority toxic pollutants and other water quality standards provisions to be applied to waters in the State of California. USEPA promulgated this rule based on the Administrator's determination that the numeric criteria are necessary in the State of California to protect human health and the environment. Under CWA section 303(c)(2)(B), the USEPA requires states to adopt numeric water quality criteria for priority toxic pollutants for which the USEPA has issued criteria guidance, and the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses. These Federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries.
U.S.	Hazardous Materials Transportation Act (HMTA) (49 USC 5901)	The HMTA delegates authority to the DOT to develop and implement regulations pertaining to the transport of hazardous materials and hazardous wastes by all modes of transportation. Additionally, the USEPA's Hazardous Waste Manifest System is a set of forms, reports, and procedures for tracking hazardous waste from a generator's site to the disposal site. Applicable Federal regulations are contained primarily in CFR Titles 40 and 49.
U.S.	National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300)	Authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 USC 9605, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99 through 499; and by CWA section 311(d), as amended by the Oil Pollution Act of 1990 (OPA), Pub. L. 101 through 380. The NCP outlines requirements for responding to both oil spills and releases of hazardous substances. It specifies compliance, but does not require the preparation of a written plan. It also provides a comprehensive system for reporting, spill containment, and cleanup.
U.S.	Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.)	The RCRA authorizes the USEPA to control hazardous waste from "cradle-to-grave," which encompasses its generation, transportation, treatment, storage, and disposal. RCRA's Federal Hazardous and Solid Waste Amendments from 1984 include waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. The Department of Toxic Substances Control is the lead State agency for corrective action associated with RCRA facility investigations and remediation.
U.S.	Toxic Substances Control Act (TSCA) (15 USC 2601–2692)	The TSCA authorizes the USEPA to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. It also addresses production, importation, use, and disposal of specific chemicals, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, lead-based paint, and petroleum.
U.S.	Formally Used Defense Sites (FUDS) Program	The FUDS Program cleans up environmental contamination at properties formerly owned, leased, possessed, or used by the military services (Army, Navy, Air Force, or other Defense agencies). The Army is the Department of Defense executive agent for FUDS; the USACE carries out the Program (see: www.usace.army.mil/Missions/Environmental/FormerlyUsedDefenseSites.aspx).
CA	Other	<ul style="list-style-type: none"> • Hazardous Waste and Substances Site List - Site Cleanup (Cortese List; Gov. Code § 65962.5). Health and Safety Code (§25356). • Hazardous Waste Control Act (Cal. Code Regs., tit. 26) defines requirements for proper management of hazardous materials. • California Seismic Hazards Mapping Act (Pub. Resources Code, § 2690) and Seismic Hazards Mapping Regulations (Cal. Code Regs., tit. 14, Div. 2, Ch. 8, Art. 10) (See Section 3.6, <i>Geology and Soils</i>). • Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) (See Section 3.9, <i>Hydrology and Water Quality</i>).

1 The Imperial County Fire Department is the local Office of Emergency Services (OES).
2 The department acts as the lead agency for the Imperial County Operational Area and
3 provides leadership in all phases of developing the emergency management
4 organization, including public education, training, operations, interagency coordination,
5 and plan development (OES 2007).

6 The County's Operational Area Emergency Operations Plan (EOP) provides a
7 comprehensive, single source of guidance and procedures for the County to prepare for
8 and respond to significant or catastrophic natural, environmental, or conflict-related risks
9 that produce situations requiring coordinated response. It further provides guidance
10 regarding management concepts relating to response and abatement of various
11 emergency situations, identifies organizational structures and relationships, and
12 describes responsibilities and functions necessary to protect life and property. The EOP
13 is consistent with the requirements of the Standardized Emergency Management
14 System (SEMS) as defined in Government Code section 8607, subdivision (a), and the
15 U.S. Department of Homeland Security National Incident Management System (NIMS)
16 for managing response to multi-agency and multi-jurisdictional emergencies.
17 SEMS/NIMS incorporate the use of the Incident Command System, mutual aid, the
18 operational area concept, and multi/interagency coordination (OES 2007).

19 3.8.3 Impact Analysis

20 ***a) Create a significant hazard to the public or the environment through the routine***
21 ***transport, use, or disposal of hazardous materials?***

22 ***b) Create a significant hazard to the public or the environment through***
23 ***reasonably foreseeable upset and accident conditions involving the release of***
24 ***hazardous materials into the environment?***

25 ***c) Emit hazardous emissions or handle hazardous or acutely hazardous***
26 ***materials, substances, or waste within one-quarter mile of an existing or***
27 ***proposed school?***

28 **No Impact.** The proposed sale of School Lands will not result in the routine transport,
29 use, or disposal of any hazardous materials, create reasonably foreseeable upset and
30 accident conditions involving the release of hazardous materials into the environment,
31 or emit hazardous emissions or handle hazardous or acutely hazardous materials,
32 substances, or waste within 0.25 mile of an existing or proposed school. The Project
33 does not include any construction, ground disturbance, or modification of existing
34 conditions that could subject buildings, structures or people to additional hazards or
35 hazardous materials. The proposed purchasers of the School Lands parcels plan to
36 continue the existing uses (current baseline conditions) associated with the respective
37 parcels. Any other uses and potential impacts are too speculative for evaluation.

1 ***d) Be located on a site which is included on a list of hazardous materials sites***
2 ***compiled pursuant to Government Code section 65962.5 and, as a result, would it***
3 ***create a significant hazard to the public or the environment?***

4 **Less Than Significant Impact.** The former Camp Dunlap site, a FUDS Program site,
5 which lies within the proposed School Lands sale parcels, is included on the Cortese list
6 of hazardous materials sites compiled pursuant to Government Code section 65962.5
7 (SWRCB 2015, DTSC 2015). However, the proposed purchasers of the School Lands
8 parcels plan to continue the existing uses associated with the respective parcels, and
9 no construction is proposed. Therefore, this impact is considered less than significant
10 because there will be no new exposure beyond current baseline conditions. Any other
11 uses and potential impacts are too speculative for evaluation.

12 Clean-up operations on the former Camp Dunlap site are the responsibility of the
13 USACE since the parcels are part of the FUDS Program. The UXO sweep conducted in
14 advance of the biological and cultural surveys for this IS did not identify any UXO
15 constituting an explosive hazard. The USACE estimates that some FUDS Program sites
16 could take until 2085 or beyond to cleanup. (See FUDS Frequently Asked Questions at
17 [www.usace.army.mil/Missions/Environmental/FormerlyUsedDefenseSites/FrequentlyAs](http://www.usace.army.mil/Missions/Environmental/FormerlyUsedDefenseSites/FrequentlyAskedQuestions.aspx)
18 [kedQuestions.aspx](http://www.usace.army.mil/Missions/Environmental/FormerlyUsedDefenseSites/FrequentlyAskedQuestions.aspx).)

19 ***e) For a project located within an airport land use plan or, where such a plan has***
20 ***not been adopted, within 2 miles of a public airport or public use airport, would the***
21 ***project result in a safety hazard for people residing or working in the project area?***

22 ***f) For a project within the vicinity of a private airstrip, result in a safety hazard for***
23 ***people residing or working in the project area?***

24 **No Impact.** The Project area is not located within an airport land use plan or within 2
25 miles or in the vicinity of a public airport, public use airport, or private airstrip.

26 ***g) Impair implementation of or physically interfere with an adopted emergency***
27 ***response plan or emergency evacuation plan?***

28 **No Impact.** The proposed sale of School Lands will not impair implementation of or
29 physically interfere with an adopted emergency response plan or emergency evacuation
30 plan. The Project does not include any construction, ground disturbance, or modification
31 of existing conditions that could subject buildings, structures or people to additional
32 hazards or hazardous materials. The proposed purchasers of the School Lands parcels
33 plan to continue the existing uses (current baseline conditions) associated with the
34 respective parcels. Any other uses and potential impacts are too speculative for
35 evaluation.

1 ***h) Expose people or structures to a significant risk of loss, injury or death***
2 ***involving wildland fires, including where wildlands are adjacent to urbanized***
3 ***areas or where residences are intermixed with wildlands?***

4 **No Impact.** The proposed sale of School Lands will not expose people or structures to
5 a significant risk of loss, injury or death involving wildland fires, including where
6 wildlands are adjacent to urbanized areas or where residences are intermixed with
7 wildlands. The Project does not include any construction, ground disturbance, or
8 modification of existing conditions that could subject buildings, structures or people to
9 additional hazards or hazardous materials. The proposed purchasers of the School
10 Lands parcels plan to continue the existing uses (current baseline conditions)
11 associated with the respective parcels. Any other uses and potential impacts are too
12 speculative for evaluation.

13 **3.8.4 Summary**

14 Based upon the above considerations, there is a potential significant impact associated
15 with the proposed sale of School Lands since the Project Area includes a hazardous
16 materials site listed pursuant to Government Code section 65962.5 (SWRCB 2015,
17 DTSC 2015). However, the proposed purchasers of the School Lands parcels plan to
18 continue the existing uses associated with the respective parcels, and no construction is
19 proposed. Therefore, this impact is considered less than significant because there will
20 be no new exposure beyond current baseline conditions. Any other uses and potential
21 impacts are too speculative for evaluation.